

The applicants wish to thank the Examiner for his careful consideration of this case and for his comments thereon. The allowability of claims 4 and 6-8 is acknowledged.

The Examiner has rejected claim 1 and the claims dependent thereon under 35 USC 103 on the basis of either Cate or Ku in combination with the reference of Masunaga. It is noted that the rejection is one of obviousness rather than anticipation and the novelty of the claim is recognised. To sustain a rejection on the basis of obviousness it must be shown that the combination of references relied upon clearly and unambiguously lead to the subject matter claimed. It is submitted that the combination of references relied upon by the Examiner do not attain this result.

Ku teaches a rigid main frame and primary frame. The essence of the teachings in Ku is the provision of the pivots for the magnets on the main frame. The purpose of these magnets appears to be to ensure the close contact between the magnets of the main and primary frames (see abstract) and that the problem perceived as resulting from flexure at the temples addressed at column 1 line 50 is avoided. The clear teaching of Ku therefore is that flexure of the frame is to minimised and to ensure that close contact is maintained at all times.

The Masunaga reference teaches an inherently flexible main frame, but does not disclose the use of the secondary frames of any sort let alone that specifically recited in the claim.

The examiner suggests that it would be obvious to combine the teachings to arrive at the invention claimed, but in doing so ignores the clear teachings of Ku to avoid flexibility and the possibility of misaligning the surfaces of the magnets. Ku is clear that flexibility is a problem and goes to great lengths to incorporate a mechanism that avoids the consequences of such flexibility. By contrast the present invention as claimed in claim 1 requires the adoption of a flexible frame, in complete contradiction to Ku, and the use of an auxiliary frame with specific locations of magnets to minimise the effects of the flexibility.

This combination of features is neither taught nor suggested by the art and, in fact, is specifically taught against by Ku. As such it is believed that claim 1, and the claims depending on claim 1, are not rendered obvious by Ku in view of Masunaga.

Cate teaches the use of primary and auxiliary frames with support provided by clips engaging the bridge of the main frame. Once again the essence of the invention is to provide a

stable support for the auxiliary frame at the bridge of the main frame. Therefore the provision of a zone of enhanced flexibility, as contemplated in Masunaga, is entirely contrary to the teachings of Cate for a stable support in that zone. Accordingly the combination suggested by the Examiner is quite contrary to the teachings of the two references and cannot render claim 1 obviousness.

For similar reasons claims 11, 12, 15, 21, and 23-25, rejected on the same combination of references, are not believed to be rendered obvious and do patentably distinguish over the art relied upon.

Claim 10 has been rejected on the basis of the reference to Zelman in combination with the Masunaga. Again, however, there is no basis for making such a combination and the teachings of Zelman are for a stable primary frame to support an auxiliary frame. Zelman is less relevant than Ku in that Ku recognises a perceived problem and addresses a solution. Zelman does not recognise the problem let alone suggest a solution. In fact Zelman proposes a structure that assumes rigidity for the bridge as one embodiment utilises the bridge. It would not, therefore, be obvious to replace a rigid structure used as a support with the flexible structure taught in the secondary reference. Accordingly claim 10 and the claims dependent thereon is not believed to be obvious in view of these references.

As noted in the response to the earlier office action, independent claim 22 is directed to the auxiliary lens per se and is not taught in the art. For the reasons noted above there is no motivation to provide flexibility in an auxiliary frame as recited in claim 22 as the art teaches away from the combination of a frame with these characteristics with a primary frame.

Accordingly it is believed that the claims presently on file clearly stand and patentably distinguish over the art of record and are in condition for allowance. Further action to that end is respectfully requested.

Respectfully submitted,

October 11, 2002  
Date

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